

REMARKS

The present Reply with Amendments and Remarks is submitted in response to the outstanding Office Action. Entry of the amendment, consideration of the remarks, and allowance of the claims is requested.

In the Office Action: claims 31, 48, 49, 53, and 55-58 are rejected on prior art grounds; claims 39-47 are rejected as being indefinite but are indicated as possibly being allowable upon resolution of the indefiniteness issues; and claims 30, 32-38, 51, 52, and 54 are objected to as depending from a rejected base claim but are indicated as being allowable if placed into independent form.

The Examiner's particular rejections and objections are now individually addressed.

Objection of Claim 30

First, as mentioned, the Examiner states that claim 30 would be allowable if placed in independent form. However, claim 30 is presently in independent claim. Thus, claim 30 is allowable to Applicant; withdrawal of the relevant objection is requested.

Indefiniteness Rejections Under 35 U.S.C. §112

Turning to the indefiniteness issues, claims 39-41 are rejected under 35 U.S.C. §112, second paragraph, due to alleged indefiniteness concerning how the device of claim 31 can further comprise the structure recited in claims 39-41. Applicant respectfully disagrees with this objection. Independent claim 31 recites a device for protecting a building structure against oscillations of a base of the building structure. The device of claim 31 includes a coupling element, supporting elements, etc. Claims 39-41 simply recite further elements of the device of claim 31. The Examiner is directed Figures 25 and 26 and the related specification text wherein the elements of claims 39-41, in one non-limiting exemplary embodiment, are shown and described. Clearly, the device of claim 31 may include additional elements such as those recited in claims 39-41.

Accordingly, claims 39-41 are definite and thus satisfy the provisions of §112; reconsideration and withdrawal of the relevant rejection is requested.

Claims 42-44 are rejected under §112, second paragraph, as depending from rejected claim 41. However, as discussed above, the rejection of claim 41 is overcome, thus this rejection of claims 42-44 must correspondingly be withdrawn; reconsideration is requested.

Claim 45 is rejected under §112, second paragraph, as depending from a rejected claim. Claims 46 and 47 are rejected as depending from rejected claim 45. Claim 45 is herein amended to properly depend the claim from pending claim 31. Thus, reconsideration and withdrawal of the §112 rejection of claims 45-47 is requested.

Claim 50 is rejected under §112, second paragraph, as allegedly reciting desired results without the structure to attain the results. Claim 50 is herein amended to address the Examiner's concerns. Reconsideration and withdrawal of the §112 rejection of claim 50 is respectfully requested.

Accordingly, all of the §112 rejections are now herein overcome.

Novelty Rejections Under 35 U.S.C. §102

Claims 31, 53, and 55-58 are rejected under 35 U.S.C. §102(b) as allegedly lacking novelty in view of U.S. Patent No. 4,328,648 to Kalpins. In response, Applicant submits that Kalpins fails to disclose each and every limitation of claim 31 as amended herein, thus the reference does not anticipate the claim. Additionally, since claims 53 and 55-58 variously depend from claim 31, these claims are also not anticipated by Kalpins.

Amended claim 31 recites a device for protecting a building structure against oscillations of a base of the building structure. The device is recited as comprising, *inter alia*, (1) a first supporting element for connecting a coupling element to the base, the first supporting element being capable of causing a *lifting effect* of the coupling element, and a second supporting element for connecting the coupling element to the base, the second

supporting element being capable of causing a *lowering effect* of the coupling element at substantially the same time as the lifting effect; and (2) the first and second supporting elements being dimensioned and positioned such that a support point of the building is able to freely move in any lateral direction as a free end of a very long bi-axially suspended virtual pendulum of any desired length. As will now be discussed, at least these limitations of amended claim 31 are not taught, or even suggested, by Kalpins.

The Kalpins reference teaches a support system directed toward providing a hanging connection between supported and supporting structural bodies. Col. 1, lines 28-33. The support system of Kalpins, as shown in Figure 1, includes a base 28 rigidly connected to a supporting structure 26 (e.g., the ground), a pedestal 39 rigidly connected at one end to the supported structural body 42 and at the other end to a bottom plate 38, and hanger-rods 44 disposed so as to connect the bottom plate 38 to the base 28. Col. 4, lines 20-61. The hanger-rods 44, at a first end, are fitted by a first ball bearing 43 into the base 28. *Id.* At a second end, the hanger-rods 44 are fitted by a second ball bearing 43 into the bottom plate 38. *Id.* This configuration allows the bottom plate 38, and hence the pedestal 39 and supported structure 42, to pivot and undergo oscillatory motion relative to the base 28 and ground 26. See, particularly, Figures 1 and 11. That is, the hanger-rods 44 provide pendulum motion to the pedestal 39 and supported structure 42 with respect to the base 28 and ground 26.

The two hanger-rods 44 act in correspondence with each other to cause a raising of the bottom plate 38 with respect to the ground 26, as is shown in Figure 11 at positions 44B and 44C. From this raised position, the hanger-rods may further act in unison to return the bottom plate 38 to the lower start position 44A. The Kalpins arrangement physically does not permit a simultaneous lifting and lowering of the bottom plate 38; the plate 38 is either lifted to positions 44B/44C or the plate 38 is returned toward the start position 44A. Thus, clearly, Kalpins does not teach or even suggest a first supporting element coupled to and capable of causing a *lifting effect* of a coupling element and a second supporting element coupled to and capable of causing a *lowering effect* of the coupling element at substantially the same time as the lifting effect, as is recited in amended claim 1.

Applicant notes that this limitation of amended claim 1 is similar to that of previous claim 32. (Claim 32 is presently amended herein to account for the changes to claim 31.) In the outstanding Office Action, the Examiner indicates that previous claim 32 would be allowable if amended to incorporate the provisions of previous independent claim 31. This is essentially accomplished in the present amendment of claim 31. Thus, amended claim 31 is at least allowable for the reasons for allowability of previous claim 32.

Furthermore, the arrangement of Kalpins allows the support point of the pedestal 39 on the bottom plate 38 to move as the end of a pendulum defined by the exact length of the hanger-rods 44. That is, Kalpins provides an *actual* pendulum defined by the length of the hanger-rods 44 which permits oscillatory, pendulum movement of the bottom plate 38. Kalpins does not teach or even suggest movement of its pedestal support point according to a *virtual* pendulum which is both very long and of any desired length, as recited in amended claim 31. To the contrary, the movement of the pedestal 39 of Kalpins is provided by the fixed actual pendulum created by the hanger-rods 44. The actual pendulum of the hanger-rods 44 is not very long. Additionally, the actual Kalpins pendulum may not be of any desired length but instead is strictly limited and defined by the length of the hanger-rods 44.

Accordingly, Kalpins does not teach or even suggest first and second supporting elements which cause substantially simultaneous lifting and lowering effects, respectively, of a coupling element and which allow a support point on the coupling element to move as a free end of a very long bi-axially suspended virtual pendulum of any desired length, as is recited in amended claim 31. Kalpins, therefore, does not disclose each and every limitation of claim 31. Accordingly, claim 31 is not anticipated by Kalpins; reconsideration and withdrawal of the relevant §102 rejection is respectfully requested. Claim 31 is not further objected or rejected and is thus allowable to Applicant.

Claims 53 and 55-58 variously depend from allowable claim 31 and are thus correspondingly allowable; reconsideration and withdrawal of the novelty rejections thereof are respectfully requested.

Accordingly, all of the §102 rejections are now herein overcome.

Obviousness Rejections Under 35 U.S.C. §103

Claim 48 is rejected under 35 U.S.C. §103(a) as being obvious in view of Kalpins. However, claim 48 depends directly from allowable claim 31 and is thus correspondingly allowable.

Moreover, even if claim 31 were found not to be allowable, claim 48 is, in any event, not obvious over Kalpins because the reference fails to teach or suggest all of the recited limitations of claim 48. Specifically, claim 48 recites “a main portion which is exposed to wind loads and a separated portion which is not exposed to the wind loads and serves as a position reference for position control of the main portion.” In the Office Action, the Examiner concedes that Kalpins is not directed toward wind loads. However, the Examiner asserts that, in the structure of Kalpins, it would have been obvious to have a building structure with an exterior portion exposed to wind and an interior portion (e.g., interior rooms) protected from winds by the exterior. Thus, the Examiner concludes that claim 48 is obvious with respect to Kalpins. However, the Examiner does not address, and Kalpins does disclose, a separated portion which serves as a position reference for position control of the main portion, as is recited by claim 48. Thus, because Kalpins does not teach or suggest all of the elements of claim 48, prima facie obviousness is not established.

For at least these reasons, reconsideration and withdrawal of the §103 rejection of claim 48 is respectfully requested.

Claim 49 is rejected under §103 as being obvious with respect to Kalpins as combined with U.S. Patent No. 3,110,464 to Baratoff. Claim 49 depends from allowable claim 31 and is thus correspondingly allowable.

Moreover, even if claim 31 were found not to be allowable, claim 49 is, in any event, not obvious over Kalpins and Baratoff because there exists no suggestion or motivation to combine the references as proposed by the Examiner. Kalpins, as discussed above, relates to a support system which attempts to protect building structures

from base movements caused by earthquakes. Baratoff, on the hand discloses a shock isolation system which seeks to protect missile platforms from single shocks due to the blast of a rocket, missile etc. In order to provide such shock isolation, Baratoff teaches a plurality of heavy springs that are supposed to be suited to protect an object from one single pulse acceleration which is in direct contradiction to Kalpins which is oriented at addressing the multi-pulse acceleration caused by earthquakes. Moreover, Kalpins does not teach that vertical vibration could be a problem in view of such earthquakes. Thus, clearly, there is no suggestion or motivation in the references or elsewhere in the art to combine Kalpins and Baratoff as proposed by the Examiner. Accordingly, *prima facie* obviousness is not established.

For at least these reasons, reconsideration and withdrawal of the §103 rejection of claim 49 is respectfully requested.

Amendments to the Claims

As discussed herein, claim 31 is presently amended to further define and distinguish the recited device. Additionally, claims 32, 33, 35, 37, 38, 51-53 are amended herein in order to correspond with amended claim 31. Further, claims 45 and 50 are amended herein to address the §112 rejections. Also, new claim 59 is added which includes all of the limitations of allowable claim 32 and all of the limitations of its base claim 31. Thus, claim 59 is allowable to Applicant.

No new matter is added by way of any of the present claim amendments as antecedent support is found throughout the originally filed specification, claims, abstract, and drawings.

Conclusion

All of the outstanding rejections under §§102, 103, and 112 are herein addressed and overcome. Accordingly, pending claims 30-59 are allowable to Applicant. Withdrawal of all rejections and prompt issuance of a Notice of Allowance are respectfully requested.

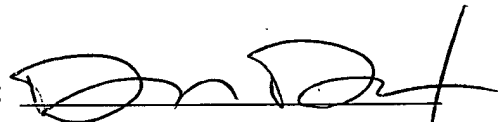
Applicant hereby petitions for any necessary extension of time required for consideration of the present Reply to Office Action.

If there are any additional charges with respect to this Reply, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorney.

The Examiner is invited to contact Applicant's attorney, regarding this Reply or otherwise concerning the present application, at the below-listed telephone number.

Respectfully submitted,
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